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U.S. DISTRICT COURT, E.D.N.Y.
★ JAN 29 2007 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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KEVIN FORD,

03-CV-2077 (SJ)

Petitioner,

MEMORANDUM
AND ORDER

-against-

WILLIAM PHILLIPS, Acting Superintendent
of Green Haven Correctional Facility,

Respondent.
-----X

A P P E A R A N C E S:

KEVIN FORD
#96A7194
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
Petitioner, *Pro Se*

RICHARD A. BROWN
District Attorney, Queens County
125-01 Queens Boulevard
Kew Gardens, New York 11415
By: John M. Castellano, Esq.
Johnnette Traill, Esq.
Attorneys for Respondent

JOHNSON, Senior District Judge:

Petitioner Kevin Ford ("Petitioner"), appearing *pro se*, brings this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court referred the matter to Magistrate Judge Ramon E. Reyes, Jr., for a Report and Recommendation ("Report"). Judge Reyes filed the Report on August 31, 2006, and provided the parties with the

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requisite amount of time to file any objections. Petitioner was granted an extension of time to file his objections to the Report, and timely filed his objections on December 20, 2006. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate to hear and determine certain motions pending before the court and to submit to the court proposed findings of fact and recommendations as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may accept, reject, or modify the recommendations made by the magistrate. See id. The court, however, is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

In this case, Judge Reyes made the following recommendations in his Report: (1) that Petitioner's motion to amend his habeas corpus petition be granted in part; (2) that the petition be denied in its entirety; and (3) that a certificate of appealability should not issue. After reviewing Petitioner's objections to the Report, and after reviewing *de novo* those portions of the record to which the objections were made, the

Court concludes that Petitioner has not raised any new arguments that would convince this Court to reject Judge Reyes' well-reasoned recommendations. Accordingly, the Court affirms and adopts Judge Reyes' Report in its entirety.

The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: March 28, 2007
Brooklyn, NY

/s/(SJ)

STERLING JOHNSON JR.
Senior United States District Judge